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SUPERVISORS REPORT ON USE OF FORCE

Los Angel[illegible] County Sheriff's [illegible]epartment

Supervisor's Report on Use of Force

Incident Information

URN: 013-18692-2174-058		Date: 12-10-13	Time: 0938
Location: [redacted] Naomi Avenue		City or Station: Los Angeles	
Bureau/Station/Facility: Central Patrol Division - Century Station		Admin. Investigation: YES ○ NO ◉	
Type of Force: Personal Weapons / Takedown / Control Techniques / Resisted Handcuffing			
Deputy Injury : YES ◉ NO ○		Suspect Injury YES ◉ NO ○	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ◉ NO ○	Person Notified: Lt. Webber	Emp: [redacted]	IAB Roll Out: YES ◉ NO ○

Involved Employee

E 1

Employee #: [redacted]	Last Name: Hernandez	First Name: Ernesto	Middle Name:
Sex: ◉ Male ○ Female	Race: H	Unit of Assignment: Central Patrol Division Century Station	Work Assignment (Unit #, Module, etc.): 217B
Shift: ○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty	Age: [redacted]	Height: 509 / Weight: 200
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #:	Directed Force ○ / Significant Force ◉

E 2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle Name:
Sex: ◉ Male ○ Female	Race: H	Unit of Assignment: Central Patrol Division Century Station	Work Assignment (Unit #, Module, etc.): 217B
Shift: ○ EM ◉ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty	Age: [redacted]	Height: 507 / Weight: 160
☒ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #:	Directed Force ○ / Significant Force ◉

E_

Employee #:	Last Name:	First Name:	Middle Name:
Sex: ○ Male ○ Female	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty	Age:	Height: / Weight:
☐ Injured ☐ Treated ☐ Admitted	Hospital:	Coroner Case #:	Directed Force ○ / Significant Force ○

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Jones	Tina	M.	SGt	YES ○ NO ◉	YES ○ NO ◉
					YES ○ NO ○	YES ○ NO ○

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Dean	Robert	J.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ellison	Adam	C.

Adam Ellison, Lieutenant
Watch Commander (**Print Name**) — Watch Commander's **Signature**: — Emp #: — Date

Justin Diez, Sergeant
Supervisor Completing Form: (**Print Name**) — Emp #: [redacted] — Copy Provided to Employee by: — Emp #:

Ernest Chavez, Captain
Unit Commander (**Print Name**) — Unit Commander's **Signature**: — Emp #: — Date

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 03/12)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

013 - 18692 - 2174 - 058

Suspect Information

S 1

Last Name: Gamez | First Name: David | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: [redacted] | Home Phone: [redacted] | Age: 24 | Height: 507 | D.O.B. 08-10-89 | Weight: 135 | Armed? ☐

Booking #: 3798860 | Primary Charge Code: 69 PC | Secondary Charge Code: 459 PC | Criminal History [redacted]

EMT in attendance? (●) YES ( ) NO Name: LA County Fire | Unit: #16 | Phone #: 323-585-5002

Hospital Admission? ☐ | Rec'd Treatment At: St. Francis Hospital | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: Howard Taliercio, PA | Address: 3630 E. Imperial Highway, Lynwood | Phone #: 310-900-4525

Under Influence: ( ) YES (●) NO Substance: | 5150 a factor in force ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 12-10-13 | Time: 1005 | ☐ Audiotape: | ☒ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO Substance: | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ( ) YES ( ) NO Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By Doctor: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO Substance: | 5150 a factor in force ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 3 - 1 8 6 9 2 - 2 1 7 4 - 0 5 8

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: 67	D.O.B.: [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]	
Last Name: [redacted]	First Name: [redacted]	Middle Name:	Age: 62	D.O.B.: [redacted]	
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph.: [redacted]	Home Ph.: [redacted]	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	
Last Name	First Name	Middle Name	Age	D.O.B.	
Street Address	City	Zip Code	Work Ph.	Home Ph.	

☐ Additional Witness

Supervisor's Report on Use of Force

0 1 3 - 1 8 6 9 2 - 2 1 7 4 - 0 5 8

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method	Type of Injury	Body Part
Name	E# or S#	Name	E# or S#	(Code)	(Code)	(Code)
Suspect Gamez	S#1	Deputy [redacted]	E#2	UC		
Suspect Gamez	S#1	Deputy [redacted]	E#2	UC		
Suspect Gamez	S#1	Deputy Hernandez	E#1	UC		
Suspect Gamez	S#1	Deputy [redacted]	E#2	PP	AB	EL, KN
Deputy Hernandez	E#1	Suspect Gamez	S#1	TD	AB	KN
Suspect Gamez	S#1	Deputy Hernandez	E#1	RS		
Suspect Gamez	S#1	Deputy Hernandez	E#1	PH		
Deputy Hernandez	E#1	Suspect Gamez	S#1	PH	FR	FA
Deputy [redacted]	E#2	Suspect Gamez	S#1	CT	CP	BK
Suspect Gamez	S#1	Deputy [redacted]	E#2	PH	AB	HD
Deputy Hernandez	E#1	Suspect Gamez	S#1	RH	AB	AR
Suspect Gamez	S#1	Deputy Hernandez	E#1	PH		
Deputy Hernandez	E#1	Suspect Gamez	S#1	PH	BR	BK

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

UNIT: Century Station
DATE: December 10, 2013 - Tuesday
TIME: 0938 hours
LOCATION: [redacted] Naomi Avenue, Los Angeles CA 90001
URN#: 013-18692-2174-058
IAB#: FO2346943

NATURE OF INCIDENT:

On-call Internal Affairs Bureau personnel assumed the handle on a force investigation wherein Suspect Gamez sustained minor facial fractures while being taken into custody by Deputy [redacted] and Deputy Hernandez. The subsequent medical examination determined Suspect Gamez had several fractures around his left eye.

On December 10, 2013, at approximately 0938 hours, Deputies [redacted] and Hernandez were working 217B/D. Deputy Hernandez was driving and Deputy [redacted] was the passenger in the patrol vehicle. While driving westbound 83rd Street from Hooper Avenue, they observed Suspect Gamez peering inside the window of a vehicle parked on 83rd Street just west of Naomi Avenue.

As they drove closer to Suspect Gamez, he looked at the patrol vehicle and appeared surprised. Deputy [redacted] asked Suspect Gamez what he was doing. Suspect Gamez ignored Deputy [redacted] question and ran northbound Naomi Avenue. He ran through the alley east of Naomi Avenue, between 82nd Street and 83rd Street. Deputy Hernandez followed Suspect Gamez north on Naomi Avenue in his patrol vehicle. Suspect Gamez jumped the locked/closed perimeter fence, and into the rear yard of [redacted] Naomi Avenue.

> **IAB Note:** The residence at [redacted] Naomi Avenue is positioned on the [redacted] corner of Naomi Avenue and the east/west alley. The [redacted] of the residence faces Naomi Avenue. The [redacted] and [redacted] of the residence faces the east/west alley. The [redacted] and [redacted] can only be accessed via the east/west alley.

Suspect Gamez laid on the ground next to a detached garage [redacted] of the residence) in the rear yard, just beyond the perimeter fence of the residence. Deputy [redacted] exited the patrol vehicle at the mouth of the alley (west side of alley), just adjacent to [redacted] Deputy Hernandez stopped his patrol vehicle at 82nd and Naomi Avenue. Deputy [redacted] notified Deputy Hernandez on "direct" frequency that Suspect

Gamez was in the rear yard. Deputy Hernandez drove the patrol vehicle to the opposite end of the alley (east side of alley), and positioned it east of the rear yard where Suspect Gamez was hiding.

Deputy [redacted] walked eastbound through the alley toward Suspect Gamez' location. Deputy Hernandez walked west though the alley towards his location. They approached Suspect Gamez together, in order to conduct a vehicle burglary investigation, and determine why he ran. Suspect Gamez was still positioned inside the rear yard, and Deputies [redacted] and Hernandez were in the alley. There were separated by the perimeter fence. When Suspect Gamez observed the deputies, he stood and ran west, toward a parked vehicle (2005 Saturn View, Black, CA Lic. #[redacted] in the rear yard. Suspect Gamez positioned himself underneath the parked vehicle.

Deputy Hernandez entered the rear yard via the front gate of the residence. Deputy [redacted] entered the rear yard via the east side of the perimeter gate. Deputy Hernandez approached the parked vehicle from the driver's side (west side), and Deputy [redacted] approached the parked vehicle from the passenger side (east side). Deputy Hernandez ordered Suspect Gamez to crawl towards him. Suspect Gamez did not comply, and instead crawled from the vehicle on the passenger side.

Suspect Gamez stood and ran toward Deputy [redacted] in a full sprint. Deputy [redacted] ordered Suspect Gamez to stop, however he ignored the order and continued running towards Deputy [redacted] Suspect Gamez pushed Deputy [redacted] in his chest causing him (Deputy [redacted] to fall. Suspect Gamez stumbled backwards and fell to the ground approximately ten feet from Deputy [redacted] As Suspect Gamez began to stand, Deputy Hernandez ran to his location and grabbed Suspect Gamez around his upper torso, using both his hands. Deputy Hernandez used his right foot and swept Suspect Gamez' feet, while simultaneously forcing him to the ground. Suspect Gamez landed on the ground face down, with Deputy Hernandez positioned on Suspect Gamez' back (face down).

Suspect Gamez pushed off the ground with both his hands, causing Deputy Hernandez to fall off his (Suspect Gamez) back. Deputy Hernandez ordered Suspect Gamez to stop resisting. Instead, Suspect Gamez rolled to his right side and positioned himself face-to-face with Deputy Hernandez. Suspect Gamez attempted to hit Deputy Hernandez in the face with his left fist. Deputy Hernandez punched Suspect Gamez two times on the left side of his face with his left fist, and ordered him to stop fighting.

Simultaneously, Deputy [redacted] stood up, and grabbed Suspect Gamez' upper torso. Deputy [redacted] placed his right knee on Suspect Gamez' back, and pinned his chest to the ground. Suspect Gamez continued swinging his arms backwards, and struck Deputy [redacted] on the left arm. Deputy [redacted] requested assistance via his handheld radio. Deputy Hernandez grabbed both of Suspect Gamez wrists, positioned them behind his back, and placed his handcuffs on Suspect Gamez.

Deputy Hernandez remained on top of Suspect Gamez waiting for assisting units to arrive. Suspect Gamez grabbed Deputy Hernandez right index and middle fingers with his right hand, and Suspect Gamez began bending Deputy Hernandez' fingers backwards. Deputy Hernandez ordered Suspect Gamez to release his fingers, however he did not comply. Deputy Hernandez punched Suspect Gamez two times on the left side of his face, using his left hand. Suspect Gamez immediately released his grasp of Deputy Hernandez' fingers. Deputy Hernandez and Detective Rincon escorted Suspect Gamez to a patrol vehicle. Deputy Viger #[redacted] (unit #212B) transported Suspect Gamez to Saint Francis Medical Center for medical treatment and booking approval.

Deputies determined the parked vehicle had not been burglarized by Suspect Gamez. However, Suspect Gamez [redacted] Additionally, Suspect Gamez was charged with Resisting a Peace Officer with Force (69 PC).

Deputy [redacted] wrote an incident report. Deputy Hernandez, Deputy Viger, and Detective Rincon #[redacted] wrote supplemental reports. Detective Rincon did not witness the use of force. He responded to the location and authored a supplemental report regarding his interview of Suspect Gamez, Witness [redacted] and Witness [redacted] All three individuals provided Detective Rincon with essentially the same account of the incident that they provided to Sergeant Jones. The incident report, supplemental reports, booking packet, and medical booking approval are included with this case (refer to **Exhibit A**).

INVOLVED PERSONNEL:

[redacted] - Deputy, #[redacted]
Century Station
Unit #217B
Central Patrol Division

Date of Employment:	08-04-04
Date Assigned to CEN:	08-16-09
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incidents:	[redacted]

Hernandez, Ernesto - Deputy, #[redacted]
Century Station
Unit #217B
Central Patrol Division

Date of Employment: 04-21-05
Date Assigned to CEN: 04-01-12
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUBJECTS:

David Gamez MH/24, Booking #3798860
DOB: 08-10-89
Address: [redacted]
Booking Charge: 69 PC (Resist/Obstruct a Peace Officer with Force).
DA Case #3FF02753

Criminal History: CII #[redacted]

Suspect Gamez' criminal history [redacted] His Consolidated Criminal History Report System (CCHRS) printout is included with this case (refer to **Exhibit B**).

WITNESSES:

[redacted] **FB/**[redacted]

On December 10, 2013, Sergeant Jones conducted a videotaped interview with [redacted] at her residence [redacted] The interview consisted of three separate videos.

The first video ("Witness [redacted] SGT interview 1") begins with Witness [redacted] standing in the front yard of her residence, while Sergeant Jones interviewed her. Witness [redacted] stated she was inside her residence when she heard her dog barking, and looked out her kitchen window. She observed Suspect Gamez handcuffed, and one of the deputies hit him in his face, causing his nose to bleed. The deputy hit Suspect Gamez with his fist. However, she did not know how many times. Witness [redacted] stated she could not hear what was being said because she was inside her residence.

Witness [redacted] said the incident occurred inside her backyard, and lasted about three or four minutes. She observed two or three deputies involved. However, only one deputy hit Suspect Gamez. Sergeant Jones asked Witness [redacted] to take her to the backyard and show her the exact location. Witness [redacted] agreed, and the video ended.

The second video ("Witness [redacted] SGT interview 2") begins with Witness [redacted] and Sergeant Jones standing inside the backyard of the residence. Witness [redacted] noted the rear kitchen window that she was looking out when she observed the incident.

Witness [redacted] stated Suspect Gamez was lying on the ground several feet from her kitchen window. The deputies had him down on the ground. After doing so, the deputies took him out to the car (referring to the patrol vehicle) handcuffed.

Witness [redacted] stated it looked like Suspect Gamez passed out while the deputy was hitting him. Not too long after that, Suspect Gamez opened his eyes, and then closed them. Witness [redacted] stated, "I don't know if he was faken or what, you know. I can't say." Witness [redacted] stated she was in the kitchen by herself. Her [redacted] was also inside the residence and told Witness [redacted] not to go outside because of the police. However, he did not see anything. Sergeant Jones told Witness [redacted] that she was going to attempt an interview with her [redacted] Witness [redacted] agreed, and the video ended.

The third video ("Witness [redacted] SGT interview 3") begins with Sergeant Jones asking Witness [redacted] her [redacted] identifying information. Witness [redacted] provided her [redacted] name [redacted] MB/40), and told Sergeant Jones that he did not see anything and did not want to come out of the house to talk to her. The video ended.

For Witness [redacted] verbatim interview, see her transcribed interview which is included with this case. The interviews of Witness [redacted] were videotaped, and a DVD with copies of the interviews are included with this case (refer to **Exhibit C**).

[redacted] FB/[redacted]

On December 10, 2013, Sergeant Jones conducted a videotaped interview with [redacted] at her residence [redacted] Witness [redacted] stated she was in her residence and heard a "bang" as if something hit her fence (referring to the metal perimeter fence). She then heard her dog start barking and went outside to make sure no one was inside her yard. Witness [redacted] saw the "back end" of a police car going through the alley. She did not see the deputies use any force. However, Witness [redacted] did hear the deputies say, "Stop."

> **IAB Note:** The alley [redacted] of Naomi Avenue, between 82nd Street and 83rd Street separates Witness [redacted] rear yard [redacted] from Witness [redacted]s rear yard [redacted]

The interview of Witness [redacted] was videotaped, and a DVD with a copy of the interview is included with this case (refer to **Exhibit C**).

[redacted] MB/[redacted]

On December 20, 2013, I attempted to contact [redacted] via telephone [redacted] to determine if he witnessed the incident. Witness [redacted] answered the phone, and told me her [redacted] refused to come to the phone. He did not witness the incident and did not want to speak with the police.

DEPUTY WITNESSES:

None

INVOLVED EMPLOYEE STATEMENTS:

Deputy [redacted] #[redacted]

On March 7, 2014, Sergeant Carrizosa and I interviewed Deputy [redacted] at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of her interview.

Deputy [redacted] stated he observed Suspect Gamez looking into the window of a parked vehicle. He didn't know if Suspect Gamez was attempting to break into the vehicle, or if he was locked out of the vehicle. Deputy [redacted] asked Suspect Gamez what he was doing as he exited the passenger side of the patrol vehicle. Suspect Gamez ran away through the alley and into the rear yard of [redacted] Naomi Avenue, behind the detached garage. Deputy Hernandez followed Suspect Gamez in his patrol vehicle. He dropped Deputy [redacted] off at the mouth of the alley and drove to the southeast corner of 82nd Street / Naomi Avenue. Deputy [redacted] said he never lost sight of Suspect Gamez from the parked vehicle and into the rear yard. Deputy [redacted] saw Suspect Gamez jump the fence into the rear yard. He was positioned (mouth of the alley) approximately 50 feet from Suspect Gamez location.

Deputy [redacted] notified Deputy Hernandez on "direct" frequency that Suspect Gamez was hiding in the rear yard of [redacted] Deputy Hernandez drove into the alley, exited, and they approached Suspect Gamez who was positioned on the ground next to the perimeter fence. Deputy Hernandez asked Suspect Gamez what he was doing. Suspect Gamez got up ran approximately 15 feet westbound, and hid underneath a parked Saturn SUV (referring to the black Saturn View).

Deputy [redacted] entered the rear yard of the location through the east side of the perimeter fence. Deputy Hernandez entered the rear yard through the front of the residence. Deputy Hernandez approached the Saturn SUV on the driver's side. Deputy [redacted] approached on the passenger side next to a gray sedan (referring to the gray Toyota Corolla) that was parked directly east of the Saturn SUV. Suspect Gamez came out on the passage side and sprinted toward Deputy [redacted] who was now positioned between the Saturn SUV and the gray sedan, just south of the residence. Deputy [redacted] tried to sidestep Suspect Gamez. However, Suspect Gamez pushed him to the ground on purpose, in order to get away. Deputy [redacted] fell to the ground. Suspect Gamez stumbled backward and fell to the ground. Suspect Gamez quickly got up at which time Deputy Hernandez tackled him to the ground approximately ten feet from Deputy [redacted]

While on the ground, Suspect Gamez began pushing Deputy Hernandez off him, and swinging his arms violently. Deputy Hernandez hit Suspect Gamez two times on the left

side of his face. Deputy [redacted] stood, ran to their location, and placed his knee in Suspect Gamez' upper back to pin him to the ground. Simultaneously, Deputy [redacted] broadcast on the radio they were involved in a fight as Deputy Hernandez handcuffed Suspect Gamez. Deputy [redacted] got up, walked towards the alley, and heard Deputy Hernandez yell, "Let go of my fingers!" Deputy [redacted] did not observe any use of force after Suspect Gamez was handcuffed.

I asked Deputy [redacted] to estimate how much time elapsed between when Suspect Gamez initially ran away from them at the parked vehicle, and the time they handcuffed him. Deputy [redacted] estimated the incident lasted approximately one and-a-half or two minutes. Furthermore, Deputy [redacted] stated approximately 20 to 30 seconds elapsed between the time they approached Suspect Gamez near the detached garage and the time they handcuffed him. Deputy [redacted] stated he did not broadcast when Suspect Gamez initially ran away from them because he did not know if Suspect Gamez was attempting to break into the vehicle or if he had just locked himself out.

Deputy [redacted] stated he never approached Suspect Gamez without his partner. Deputy [redacted] further explained that he approached Suspect Gamez while walking east through the alley. Deputy Hernandez exited his patrol vehicle which was positioned east of Suspect Gamez. He approached Suspect Gamez walking westbound through the alley. They simultaneously approached Suspect Gamez and were in close proximity to each other. Suspect Gamez was hiding inside the rear yard of the residence on the other side of the perimeter fence which was closed/locked. Deputy Hernandez entered the rear yard from the front gate on Naomi Avenue, and Deputy [redacted] entered the rear yard on the east side of the perimeter fence which was partially knocked over, open, and accessible.

I presented Deputy [redacted] with a ground level picture depicting the south side of the rear yard at the location (refer to **Picture "A"**). Deputy [redacted] placed a red "X" on the picture, in the location where Suspect Gamez was found hiding next to the detached garage. The location was two feet west of the detached garaged and two feet north of the perimeter fence. He then placed a red "X" on the picture, in the location where Suspect Gamez was hiding under the vehicle (Saturn View). The location was two feet south of the residence and twenty feet west of the detached garage. I then presented Deputy [redacted] with a ground level picture depicting the east side of the rear yard at the location (refer to **Picture "B"**). Deputy [redacted] placed a red "X" on the picture, in the location where the use of force took place. The location was five feet east of the residence (refer to **Picture "A"** and **"B"**, attached with Deputy [redacted] transcribed interview).

IAB Note: The parked vehicle (Saturn View) that Suspect Gamez was hiding underneath is not depicted in **Picture "A"**. However, on **Picture "A"**, Deputy [redacted] noted the location where it was parked the day of the incident.

For Deputy [redacted] verbatim interview, see his transcribed interview which is included with this case. Deputy [redacted] wrote an incident report documenting his use of force.

Deputy Ernesto Hernandez #[redacted]

On March 7, 2014, Sergeant Carrizosa and I interviewed Deputy Hernandez at Internal Affairs Bureau. The interview was digitally recorded and transcribed. The following is a summary of her interview.

Deputy Hernandez stated he observed Suspect Gamez looking into the window of a parked vehicle. When Deputy [redacted] attempted to contact Suspect Gamez he ran away through the alley and into the rear yard of [redacted] Naomi Avenue. Deputy Hernandez followed Suspect Gamez in his patrol vehicle. He dropped Deputy [redacted] off at the mouth of the alley and took a position at 82nd Street / Naomi Avenue.

Deputy [redacted] notified Deputy Hernandez on "direct" frequency that Suspect Gamez was hiding in the rear yard of [redacted] Deputy Hernandez drove his patrol vehicle eastbound 82nd Street into the alley. He proceeded westbound in the alley and exited near the rear yard of the residence. Deputy Hernandez observed Suspect Gamez hiding in the rear yard next to the detached garage.

Deputy Hernandez and [redacted] approached Suspect Gamez on foot. Deputy Hernandez told Suspect Gamez to stand and show his hands. Suspect Gamez, stood and ran westbound through the rear yard. He positioned himself underneath a black Saturn SUV (referring to the Saturn View) approximately 15 feet away. Deputy Hernandez approached the Saturn on the driver's side and Deputy [redacted] approached the SUV on the passenger side. Deputy Hernandez gave Suspect Gamez orders to crawl from under the vehicle towards his direction (driver's side). However, Suspect Gamez ran toward the passenger side and ran into Deputy [redacted] causing him to fall. While doing so, Suspect Gamez tripped, fell to the ground, and tried to stand back up.

Deputy Hernandez grabbed Suspect Gamez, swept his right foot, and took him to the ground. They landed on the ground approximately five feet east of the residence. Suspect Gamez and Deputy Hernandez landed on the ground face down. Suspect Gamez was trying to push Deputy Hernandez away, and punch him in the face. Deputy Hernandez hit Suspect Gamez in the face two times with his left hand. Deputy [redacted] grabbed Suspect Gamez' shoulders and pinned him to the ground, positioned face down.

Deputy Hernandez grabbed Suspect Gamez' arms, handcuffed him, and held him on the ground while Deputy [redacted] walked into the alley to flag-down assisting units. While doing so, Suspect Gamez grabbed Deputy Hernandez right index and middle fingers, and started bending them backwards. Deputy Hernandez punched Suspect Gamez one time on the left side of his face with his left hand. Suspect Gamez released his grasp of Deputy Hernandez. Deputy Hernandez and Detective Rincon escorted Suspect Gamez to a patrol vehicle.

I presented Deputy Hernandez with a ground level picture depicting the south side of the rear yard at the location (refer to **Picture "A"**). Deputy Hernandez placed a red "X" on the picture, in the approximate location where Suspect Gamez was found hiding next to the detached garage. The location was two feet west of the detached garaged and two feet north of the perimeter fence. He then placed a red "X" on the picture, in the location where Suspect Gamez was hiding under the vehicle (Saturn View). The location was two feet south of the residence and twenty feet west of the detached garage. I presented Deputy Hernandez with a ground level picture depicting the east side of the rear yard at the location (refer to **Picture "B"**). Deputy Hernandez placed a red "X" on the picture, in the location where the use of force took place. The location was five feet east of the residence (refer to **Picture "A"** and **"B"**, attached with Deputy Hernandez' transcribed interview).

> **IAB Note:** The parked vehicle (Saturn View) that Suspect Gamez was hiding underneath is not depicted in **Picture "A"**. However, on **Picture "A"**, Deputy Hernandez noted the location where it was parked the day of the incident.

For Deputy Hernandez' verbatim interview, see his transcribed interview which is included with this case. Deputy Hernandez wrote a supplemental report documenting his use of force.

SUSPECT STATEMENTS:

David Gamez, Booking #3798860

Suspect Gamez was interviewed in the field, by Century Station Sergeant Jones #[redacted] He was again interviewed at Saint Francis Medical Center, by Century Station Watch Commander, Lieutenant Ellison. The interviews were videotaped and a DVD with copies of the interviews are included with this case (refer to **Exhibit D**). Sergeant Carrizosa and I contacted Suspect Gamez inside Century Regional Detention Facility (CRDF), on December 10, 2013. I attempted to interview Suspect Gamez and take pictures of his injuries. However, Suspect Gamez declined to provide me with an interview or injury pictures.

On December 10, 2013, at approximately 1005 hours, Sergeant Jones interviewed Suspect Gamez, while inside a patrol vehicle, at 83rd Street/Naomi Avenue. Suspect Gamez said he is homeless. He stated, "The cop was going to pull me over." Suspect Gamez was aware that he had a warrant. He wasn't going to run, but the deputy got off and tackled him. The deputy "socked him" two times on the left side of his jaw.

The deputies told Suspect Gamez to stop and show his hands. Suspect Gamez was scared of his warrant and "ran a little bit." The deputy got out of the car, hit Suspect Gamez two times in his face, and busted his nose and lip. Sergeant Jones asked Suspect Gamez if he said anything to the deputies. Suspect Gamez replied, "Nothing." Sergeant Jones asked Suspect Gamez if he had anything further to add. Suspect

Gamez replied, "I don't know why they used lethal force on me, I didn't swing at the cop." Suspect Gamez further stated he had a warrant for not going to court and he ran because he was scared.

He complained of pain to his lip, nose, and jaw. Suspect Gamez said he could not open his jaw. Suspect Gamez stated he had not consumed any narcotics or alcohol prior to the incident. In addition, Suspect Gamez noted he was not under any psychiatric care.

For Suspect Gamez' verbatim interview with Sergeant Jones, see his transcribed interview which is included with this case.

On December 10, 2013, at approximately 1208 hours, Lieutenant Ellison interviewed Suspect Gamez in the presence of Sergeant Jones, inside the Emergency Room at Saint Francis Medical Center. Suspect Gamez stated he was driving his shopping cart. He was going to get "pulled over", and was aware of the warrant he had. He didn't want to go to jail so he ran, and the deputy took offense to that.

Lieutenant Ellison asked Suspect Gamez if he pushed one of the deputies out of his way when he tried to escape. Suspect Gamez replied, "At the moment I didn't see if I did or if I didn't. I guess if I did, he got mad and that's when he used his excessive force." Suspect Gamez said he tried to get past one deputy and the other deputy grabbed him and tackled him down. The deputy hit him on the left side of his face three or four times with his fist.

Suspect Gamez said the injuries on his shoulders and knees happened during the incident from being taken to the ground. Suspect Gamez stated one of the deputies said, "Get him, get him. I'm gonna fuck him up, I'm gonna fuck him up." At that point, Suspect Gamez tried to "run more." Only one deputy hit him and handcuffed him. Suspect Gamez stated he is homeless and his warrant was for a burglary case. Lieutenant Ellison asked Suspect Gamez if he had ever been arrested for fighting with deputies. Suspect Gamez stated he had not ever been arrested for resisting arrest prior to the incident. However, this time he was really scared and didn't want to go to jail.

Lieutenant Ellison noted Suspect Gamez had a bruised left cheek bone, and abrasion to his shoulder. Suspect Gamez noted an abrasion on his left and right knees. He additionally complained of pain to his head, face and lower back.

For Suspect Gamez' verbatim interview with Lieutenant Ellison, see his transcribed interview which is included with this case.

SUSPECT INJURIES:

Suspect Gamez complained of pain to his knees, his lower spine, back, head, lip, nose, jaw, and face. I observed Suspect Gamez had a swollen left cheek. The area below his left eye was bruised and swollen. Suspect Gamez had slight swelling above his left eye near his eyebrow. In addition, I observed an abrasion (one to two inches) just below

Suspect Gamez' left knee, and an abrasion (one inch) just above his right knee. Suspect Gamez had an abrasion (one inch) on the top of his right arm, an abrasion (one inch) to his right shoulder, an abrasion and bruise (six inches) to his left rib cage, and a bruise (three inches) to his upper back area. Due to his refusal, there are no pictures of Suspect Gamez' injuries.

Suspect Gamez signed a Medical Authorization form which provided authorization for the use/disclosure of his medical information (refer to **Miscellaneous Documents**). I obtained his medical records from Saint Francis Medical Center (patient #[redacted] Suspect Gamez was diagnosed with several fractures to his left eye. Specifically, his medical paperwork noted; a "mildly displaced fracture of the floor of the left orbit", "minimally displaced fracture of the left inferior orbital rim – left lower", "minimally displaced fractures of the anterior wall of the left maxillary sinus and a posterolateral wall of the left maxillary sinus", and "minimal buckling of the left zygomatic arch."

Suspect Gamez was treated by Los Angeles County Fire #16, under the direction of Captain Butorovich. He was transported to Saint Francis Medical Center by Deputy Viger for medical treatment and booking approval. Suspect Gamez was treated by Physician's Assistant (PA) Howard Talierco and approved for booking. I contacted PA Talierco regarding Suspect Gamez' injuries. PA Talierco stated Suspect Gamez injuries were consistent with the use of personal weapons to the face, a takedown to the ground, and control techniques.

Suspect Gamez medical records are included within this case (refer to **Exhibit E**).

DEPUTY PERSONNEL INJURIES:

Deputy [redacted] received several injuries, and was treated at "US Health Works Medical Group" (2499 Wilmington Avenue, Compton 90220) by Doctor Marc Arnush. Deputy [redacted] had an abrasion (two inches) to his right elbow, an abrasion (four inches) just below his left knee, and two abrasions (¼ inch) on his right knuckles. In addition, the right breast pocket of his uniform shirt was ripped (½ inch), and the right side of his uniform pants were scuffed. Deputy Hernandez was not injured as a result of the incident. A CD and pictures of Deputy [redacted] injuries are included with this case (refer to **Exhibit F**).

PHYSICAL EVIDENCE:

None

REVIEW OF VIDEO SURVIELLENCE:

I contacted Witness [redacted] and Witness [redacted] regarding possible surveillance cameras on their property. The rear yards of both residences are separated by the alley [redacted] of Naomi

Avenue, between 82nd Street and 83rd Street. Neither of the residences have video surveillance cameras. I additionally checked the residences adjacent to location. There was no surveillance video of the incident.

INVESTIGATORS OBSERVATIONS:

On December 20, 2013, Sergeant Jones videotaped the rear yard of the residence to document the location. The documentation consisted of three videotapes. The first videotape ("Location video 1") was brief and showed the address of the residence [redacted] which was painted on the curb line in front of the house. This was done to identify the residence for the subsequent videotapes of the rear yard.

The second videotape ("Location video 2") narrated by Sergeant Jones, documented the rear yard of the location. It showed three parked vehicles inside the rear yard. Sergeant Jones noted the location where the incident ended, which was near a parked vehicle (1987 Ford Escort, Blue, CA Lic # [redacted] The vehicle was positioned inside the rear yard ten feet east of the rear kitchen window. The use of force occurred on the dirt ground, between the parked vehicle and the rear kitchen window.

Sergeant Jones noted the location where the deputy fell. The location was near another vehicle (1991 Honda Accord, Gray, CA Lic. # [redacted] that was parked inside the rear yard. The vehicle was positioned twenty feet east of the residence. Lastly, Sergeant Jones noted the position of the vehicle (2006 Toyota Corolla, Gray, CA Lic. # [redacted] that Suspect Gamez was hiding underneath. The vehicle was positioned three feet south of the residence.

> **IAB Note:** During the second videotape, Sergeant Jones made a mistake while narrating. Suspect Gamez was not found hiding underneath the 2006 Toyota Corolla. Rather, he was found hiding underneath the 2005 Saturn View (see below reference in the third videotape).

The third videotape ("Location video 3") documented the front yard of the residence and the alley [redacted] of Naomi Avenue, between 82nd Street and 83rd Street. It further documented the vehicles that were parked in the rear yard of the residence. The third videotape revealed a fourth vehicle (2005 Saturn View, Black, CA Lic. # [redacted] that was parked inside the rear yard. The Saturn View was positioned approximately three feet south of the residence just east of the Toyota Corolla. Furthermore, Sergeant Jones videotaped southbound Naomi Avenue towards 83rd Street. While doing so, Sergeant Jones observed two individuals who were standing outside a residence [redacted] near the incident location. She spoke to [redacted] (MH/ [redacted] and [redacted] (MH/Adult) who stated they did not witness the use of force.

On February 25, 2014, Sergeant Carrizosa and I contacted Witness [redacted] at her residence [redacted] in order to obtain pictures of the location. I took several pictures of the rear yard, east/west alley [redacted] to her residence, Naomi Avenue, and 83rd Street.

A DVD containing the three videos and several pictures of the location, and pictures of the location are included with this case (refer to **Exhibit G**).

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons: Hands

WEAPONS USED BY SUBJECT:

Personal weapons: Hands

PROPERTY DAMAGE:

None.

RADIO TRANSMISSION:

The dispatch radio traffic is contained within one audio file ("Audio-dispatch"). The dispatch audio starts at 0938 hours, on December 10, 2013. Deputy [redacted] can be heard saying, "10-33 give me the patch" (0:17 seconds). He then broadcasted that he was involved in a fight, and requested units to his location. Several units acknowledged Deputy [redacted] request for response. Deputy [redacted] got back on the radio and broadcasted that he was detaining one, and was Code-4 (1:06 minutes).

The L-Tac radio traffic is contained within one audio file ("Audio-L-tac"). The L-Tac audio starts at 0938 hours, on December 10, 2013. Deputy [redacted] could be heard saying, "10-33 give me the patch" (0:14 seconds). An unknown unit advised Deputy [redacted] that he was on L-Tac. A CD containing the Dispatch audio and L-Tac audio is included with this case (refer to **Exhibit H**).

CHARGES FILED AND DISPOSITIONS:

Investigators Name: Century Station Detective Rincon #[redacted]

Court: Los Angeles Metro Court, Division 68

Charges: The District Attorney filed (1) misdemeanor charge against Suspect Gamez (DA Case # 3FF02753) for 243(b) PC (Battery on a Peace Officer).

On January 17, 2014, Suspect Gamez was convicted of 243(b) PC. He was sentenced to seventy-six days Los Angeles County Jail, and thirty-six months summary probation.

WEATHER AND LIGHTING CONDITIONS:

The incident occurred on a clear day at approximately 0938 hours. Weather and lighting conditions were not a factor in this use of force.